

## **REMARKS/ARGUMENTS**

### **STATUS OF CLAIMS**

In response to the Office Action dated October 5, 2006, Claims 1-3 have been amended and Claims 4-6 have been canceled. Claims 1-3 are now pending in this application. No new matter has been added.

### **INTERVIEW WITH THE EXAMINER**

The courtesy of the interview conducted on January 25, 2006, is acknowledged and appreciated. The Interview Summary (PTOL-413) correctly reflects the substance of the interview and no further comments are necessary.

### **REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103**

I. Claims 4-6 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Oda (USPN 6,931,692).

The rejection is moot as to canceled claims 4-6.

II. Claim 1 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Serizawa et al. (USPN 6,593,970) in view of Jones (USPN 6,924,841).

Claims 2 and 3 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Skow (US 2003/0184659) in view of Jones.

Referring, for example, to Fig. 7 of the present application, each pixel is divided into an area for high-sensitivity pixels and an area for low-sensitivity pixels and each

high-sensitivity pixel and each low-sensitivity pixel is unique to that pixel; i.e., each is never used with another pixel.

In Jones, only green pixels have different sensitivities, i.e. a number of green pixels having a first sensitivity  $G_1$  and a number of green pixels having a second sensitivity  $G_2$ . Thus, for all pixels of the solid-state image pickup device, each pixel does **NOT** include a high-sensitivity pixel and a low-sensitivity pixel with each high-sensitivity pixel and each low-sensitivity pixel being unique to that pixel.

To expedite prosecution, independent claim 1 has been amended to delineate, *inter alia*:

a solid-state image pickup device having high-sensitivity pixels and low-sensitivity pixels, a photometric characteristic of an output of the high-sensitivity pixels being different from that of the low-sensitivity pixels;

control means for calculating an exposure value based on values of signal detected by said high-sensitivity pixels and values of signal detected by said low-sensitivity pixels, which are output from said solid-state image pickup device in a single instance of photometry;

Independent claims 2 and 3 have been similarly amended.

It should be noted that at the interview, the Examiner suggested “control means for calculating an exposure value based on values of signal detected by said high-sensitivity pixels and values of signal detected by said low-sensitivity pixels, which are output *simultaneously* from said solid-state image pickup device in a single instance of photometry”. However, the Applicants wish to point out that, although the signals are obtained in a single instance of photometry, the signals are not output simultaneously. Therefore, the current amendment of claims 1-3 does not use the phrase “...output *simultaneously* from...”

The features now recited in amended independent claims 1-3 are not disclosed or suggested in Serizawa et al., Jones or Skow. More specifically, neither Serizawa et al., Jones nor Skow disclose or suggest that *a photometric characteristic of an output of the high-sensitivity pixels being different from that of the low-sensitivity pixels*, or that an exposure value is calculated based on **values of signal** detected by the high-sensitivity pixels and **values of signal** detected by the low-sensitivity pixels, which are output from the solid-state image pickup device *in a single instance of photometry*. Consequently, amended independent claim 1 is patentable over Serizawa et al. when considered in view of Jones, and amended independent claims 2 and 3 are patentable over Skow when considered in view of Jones.

In view of the above, the allowance of claims 1-3, as amended, is respectfully solicited.

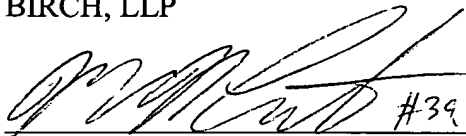
### **CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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